App. F. IX-4

Previous References 1938. (Issuing)

Misc. 1475-16-(1-4)

File No. 388-3

Serial Nos. 1, 2, 5

Later References.

Issuing Dept. 457-39.

Issuing Dept. 532-39.

Misc. 12.52.01-1.2

" 38-48-1.2

Misc. 43-50-12. PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for Feb 1940.

SUBJECT.

Appeal petition of Sayed Shah Mahmood Shadri and Hidayat Shadri against Kamalakali Talukdar regarding the right of management of the Mahkar at the place.

No 1621 dt 3-2-1940.

The Divisional Commissioner

Dismisses the appeal.

WD 0573—GPB—22,500—12-9-39

29.2

R. S. APP. F. III—1] 193 8-9

GENERAL AND REVENUE SECRETARIAT.

(Mus)

NOTES.

File No. 388-38

FILE HEADING.

Appeal petition of Syed Sha Mohideen Khadri, Marlawadi Kankanhalli Tk about the right of management of the Makkam at this place.

FROM Syed. Sha Mohideen Khadri of Marlawadi Kankanhalli Tk.

No. — Dated 15/6/39 Received 15/6/39

Diary No. 1607 | Enclos. 4 | Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the order of the Muzrai Commissioner about the right to manage the affairs of the Makkam at Marlawadi Kankanhalli Tk.

NOTES AND ORDERS.

1) The appeal petition is adequately stamped and filed in time. Copy of the M.C.'s order appealed against is appended to the P.U.D.

2) A printed copy of the Register of Inam Lands endowed to the Inam lands is put up for ref. (Vide pp 76-77). The Makkam at Marlawadi is known by the name of Mohadin Momin Sha Khadri & Jayasadin Shah Khadri makkam - Even from 1801 as seen from a

S

NOTES—First Sheet

Mlg File No. 388 of 193 &

General and Revenue Secretariat

Copy of Certified Statement, The name of Gayasuddin, the ancestor of the appellant, is found associated with the affairs of the Makkam. The office is a hereditary one & the J.D.O decided the case in favour of the appellant, wherein the latter is styled Mujawir, which name is not found connected with the management of Makkam. (Vide Sec" 19 - page 55 of the Mlg. Manual). The view taken both by the D.C & the M.C. appears to be mainly based on the duties which, they say, could not be performed by the daughter of Khadim Name & as such she was not considered as a successor to the original Makkandar.

1) Whether the Manager of the Makkam is known as Mujawar or Muttavalli & whether how long since the name of the ancestors of the appellant are associated with the Makkam are matters to be verified on receipt of records. As there appears to be some force in the contentions of the appellant it is for him & if the records bear this report may be called for ---

2) The record may be called for & examined

1/7/39

3) yes

3/7

GENERAL SECRETARIAT
3 JULY 1939
14

Mun appl 1806-38-39

14

General and Revenue Secretariat | Mun 3 File No. 388 of 1938 | [App. F. III—2

Serial No.	
	6) D.O. Sent 5.7.39. 7) Seen Mun 3
2	No. 13 of 4-7-39 of the Munsif Commissioned Calling for the submission of records connected with the appeal petition.
3	Petition of 3/7/39 from Mr. Abdul Jabbar and others Residents of Marlawadi Village Kankanhalli Tk praying that Syed Shah Mahomed Mohadin Khadri may be appointed as the Muthavalli of the Makkam at the place.
	8) For orders if the Jt. may be sent to M.C. in continuation of this office.
xW	letter no 13 of 4-7-39. mun subject. 5/7/39. 9) Seen Mun 3/7
	10) Memo submitted calling P.C.O is noted to appeal 5.7.39. 11) Seen M 5/7
4.	Decree No. 23 of 6-7-1939 of the Munsif of Devanahalli is [illegible]

NOTE—Contn Sheet.

WD 0014—GPB—30,000 -2-9-83

4) Mang appl 18 of 38-39 re: a dr
the affairs of the Makkan at
Kankanhalli TK

Mang File No. 388 of 1938. General S

Petition of 8/9-8-39 from Mr Syed Shamad S
Mohadeen Khadri of Mailavadi Kankanhalli
TK praying that the orders of the lower Courts
may be held in abeyance till the disposal
of the appeal filed by him.

1) In view of the points raised
paras 4, 5 & 6, the prayer of the pet^r
for holding the orders of the M.C. in abeyance
till the appeal is finally disposed of is subd
for orders.

Copies — 11) Mang Memorandum be
received

Sec^y
11/8

2nd member) 14 for
12/8

17) 1 2
1 1 8

for
15/8/39

Copies sent
17) Given in
No 328 of 17-8-39 to the Mang^re Commissioner
requesting him to hold in abeyance the orders referred
to therein pending disposal of the appeal before
Govt.
Memo No 329 of 17-8-39 to the petitioner forwarding
for his information. The contents of the above order

GENERAL SECRET
19 AUG. 1939
116
1082 1939

Appeal re: Muthuvalliship of the Makkam at Malawadi, Kankanhalli TK

General and Revenue Secretariat — Muz 3 File No. 388 of 1938. [App. F. III—2

Serial No.	
7	Letter no C 31/39-40 dt 27/9/39 from the Muzrai Commissioner submitting records connected with the appeal relating to the Muthuvalliship of the Makkam at Malawadi, Kankanhalli TK.

Petition dt 2-10-39 filed by the Counsel for the Appellant furnishing a certified copy of the Asst Commissioner's Office's order No A-C-748/19-20 dt 3-3-26 appointing Mohadin Ibn Khadri, grandson of the deceased Khatumbi.

The Makkam at Malawadi - Kankanhalli is a muz. Dastn. enjoying devadaya land grant.

The original Makkandar is one Sayed Khutbe Alam Shah Khadri. He died leaving a minor son by name Mohadin Mohsin Shah Khadri & a daughter by name Khatumbi. As Mohadin Mohsin Shah Khadri was still a minor at the time of his father's death, his brother-in-law, Zaya-uddin, (husband of Khatumbi) was looking after the duties of the Makkandar & managing its affairs. Subsequently both the Son of the

NOTE—Contn. Sheet.

WD 0514—GPB—30,000—2-9-38

Appeal re. the Muttavalikship of the Makkan at Maralavani, Kanniambadi D/S of 1938.

File No. 388. | General and Re Secretariat

Son-in-law were managing the Institution (vide joints & enjoying the inam lands. The Kittu deeds were also issued in their names jointly. (In this connection it may be pointed out that it is not clear why the minor Son did not object to his brother-in-law, Rayasuvin, managing the affairs of the Makkan after he (Son) became a major). When Rayasuvin also died leaving no male issue, his wife, Khatoonbi, (daughter of the original trustee) willed away the inam lands enjoyed by her & her husband, & the interest in the Makkan in favour of her daughter's son who is the present Appellant. (Whether such devolution of title by means of will is in vogue & recognised according to the Mohammedan Law is not a point for consideration) The S.D.O. Closepet dismissed that the Appellant was should be registered as a Mujavir in place of Khatoonbi. The Respondent, who is the son's son or Grandson of the original Makkanavar appealed against this non-tendering against the right of the Appellant to hold the post & enjoy the Inam lands attached to it. The D.C. Bangalore. did held that the Mujavirship

Chieftainship of the Mallaan at Maradwari, Kanhanbali Tq.

Serial No.

of the Mallaan Shastri by right, go to the respondent who is the grandson of the original Mallaanwar. This decision was against appealed in the Deputy Commr's Court by the Appellant. But the learned Dy. Commr also agreed with the D.C. & upheld his judgment. Against this order of the D.C. the present appeal is brought before the Govt.

To Form G.O. No. 3848/Rev/33-20-8 Dy 28/4/21 it will be seen that Govt have recognised Bandu Khanabi, daughter of the original Mallaanwar, as a hissadar. The point now for consideration is whether she can transfer this right to her grand son. (Mayan ee sangatee), the present Appellant, by means of a will. This point may perhaps be got clear by referring the case to the Law Section.

Rs 15/10 Rs 4/7/5-16-4 is forwarded up - This is about the Mayavaram post in Nalbagal Durga wherein it has been held that though females are excluded from holding any office (Mayai appointments in Inam) it does not necessarily imply that the same descendants of the female line should succeed. In many cases

X

X R

NOTE—Contn. Sheet

the Mahomedan Ordinance, No.

File No. 388 of 1938

General and Secre

Serial No.

Pujari Sirs Women's rights have been recognised. Further Mahomedan laws can also be made applicable in Bumiputra Matters. The rules of the H.C. Case for Modification. If Upheld the Case will be sent back for hearing -

2) The facts of the case are clearly explained in the order of the Registrar Commissioner Strictly speaking, the orders of the Reg: Com: and the Dy Com: are quite correct as the respondent is really the direct descendant of the late Baramandan Khatibe. Alam. Shah Khadri, being her grandson.

At the time of the late Baramandan's death, her son (the respondent's father) happened to be a minor & consequently Syed Hyderamdan (the son. in. law of the Baramandan) looked after the Makkam & the properties primarily on behalf of the real claimant. Although this state of affairs continued even

Matrimonial rights of the
Eralavadi, Mannadiyal

Serial No.

after Ganapathi's death & Khatoon Bi was in enjoyment of half of the properties, they can not be deemed to have any claim to Khatoon Bi to form a fresh stock of descent or to work away the right of the properties of the Marakkam. In this view it is contended that the orders of the lower courts do not call for interference

GENERAL SECRETARY. 1 NOV. 1938 2903

3673

5294 6.1.40

NOTE.—Contn Sheet.

2b) The appeal came up for hearing on 6/11/40. Both the appellants & the Respondents were present with their advocates. Orders are reserved.

27) The order of the [illegible] is quite correct. The lands in question [illegible]

Appeal re. Mrs Mutta
of Manalvanda v Kanakamadam

File No. 495 of 1943 | Gene S

Serial No.

Devadaya Trustees over Such private rights can not be set up or recognised - The order passed by the D.J. Chilaw in 1926 was clearly illegal & it can not create any rights to the Board for the appl—

25) The Appeal is dismissed

27/1

29/1 Jr

29) Draft order sent. ✓

30) Jr

29/11/46.

[illegible]

TYPING SEC
23 SEP 1946
[illegible]

management of the
Malkan - [illegible]

General and Revenue Secretariat. | File No. [illegible] of 19 [illegible] | [App. F. III-2

Serial No.

Letter No. C. 31/39 [illegible]
Mrs. Commr. forwards [illegible]
C. - 238/41 [illegible]
D.C [illegible]
Assistant Collector [illegible]
the [illegible]

X L

Though the repat reveals certain important facts against the Respondents in whose favour the appeal has been decided, it has been received too late because final orders on the appeal have already been issued. Besides, both the D.C. & the Mrs. Commr. are silent about the suggestion of the Auditor & the S.D. that the management of the Malkan may be taken over by the Govt. In the circumstances, the only course open now is perhaps to request the Mrs. Commr. to warn the Respondent that if he does not manage the institution satisfactorily, Govt. will be free to resume management of the Malkan & its properties.

Subs for orders.

[illegible]

NOTE--Contn. Sheet

Makkan at Marallan

File No. 3 of 19 3

General and Revenue Secretariat.

Serial No.

been delayed & no action is now called for. The record may be returned to the M &

4) If the respondent is considered to be unworthy of the office, it is open to the board appeal to hold the necessary enquiry and pass such orders in the matter according to law

for 6.2.1940

Secy

2nd member)

35) for 6/2 for

36) 6.2

for 8/2 for

37) Dead-subject.

38) for 8/2/40

for S/2

GENERAL SECRETARIAT
6 FEB. 1940
4937

OFFICE OF
SECOND MEMBER BOARD OF REVENUE
- 7 FEB 1940
No. 6451

TYPING

13/2/40

Muz. Appeal No.18 of 1938-39 about the management of the Makkan at Maralavadi in Nankanhalli Taluk.

Appellant:- Syed Sha Mohadeen Khadri

Respondent:- Khutbe Alam Sha Khadri

The Mohadeen Momin Sha Khadri and Gayasuddin Sha Khadri Makkan at Maralavadi is a minor Muzrai Institution endowed with 37 acres 25 guntas of inam lands assessed at Rs.36-8-0. One Syed Khutbe Alam Sha Khadri was the last Makkandar and he died leaving a son, Mohadeen Momin Sha Khadri (Respondent's father) and a daughter named Khatumbi. As Mohadeen Momin Sha Khadri was still a minor at the time of his father's death ~~the management of~~ the Makkan ~~was registered jointly in his name and that of~~ became under the management of his brother-in-law Gayasuddin Sha Khadri (Khatumbi's husband). The lands endowed to the Makkan were enjoyed by both these persons and the title deed is also reported to have been issued in their name jointly.

Gayasuddin Khadri died somewhere about the year 1906 or 1907 without a male issue and his widow who continued to enjoy half the lands endowed to the Makkan willed away her share of the lands including her interest in the Makkan to her daughter's son, Syed Sha Mohadeen Khadri (appellant), in the year 191 . She and her representatives in title continued to enjoy the lands till 1919-20.

All this time, the Makkan is reported to have been in a state of disrepair and

neither Momin Sha Khadri nor Khatumbi's representatives were rendering any service in it though both were enjoying the inam lands. In the meantime, Momin Sha Khadri made an attempt to restore the Makkan, but owing to misunderstandings between himself and the other hissadars, the repairs were not executed

Govt. interfered in the management of the Makkan in the year 1919-20, as it was left in a neglected state by the hissadars, and attached the crops on the inam lands endowed to it and credited the proceeds to the Makkan funds, with a view to utilising it for restoring the Makkan.

This arrangement continued until 1923 when Momin Sha Khadri's portion of the lands was restored to him as he offered to pay his share of the cost of renovating the institution. That portion of the lands which were formerly in the enjoyment of Khatumbi's grandson, however, continued to be leased out year after year by the Amildar until March 1926 when the S.D.O. Chickballapur, ordered that Mohadeen Sha Khadri grandson of Khatumbi should succeed to her interest in the Makkan. Though neither Momin Sha Khadri nor his son, Khutbe Alam Sha Khadri (the respondent), filed a formal appeal against this order, it is seen from records that they were all the while questioning the right of Khatumbi and her successors to the joint management of the Makkan and the joint enjoyment of its inam lands. In May 1930 the respondent filed a petition before the Deputy Commissioner, Bangalore, requesting that the management of the Makkan may be given to him alone as he

was the proper claimant to the place. Again in July 1935 Khutbe Alam Sha Khadri, the respondent, petitioned to the then S.D.O. Closepet, to cancel the joint patta which was issued in the name of his grand father and Fayasuddin Sha Khadri and to recognise him as the sole manager. The S.D.O. declined to interfere in the matter as final orders had already been passed by his predecessor in office and he was not competent to go into the question again.

Against this order, the Respondent preferred an appeal before the Deputy Commissioner Bangalore District questioning the rights of the present Appellant to hold the office and to enjoy a share of the inam lands belonging to the Makkan. The Deputy Commr. set aside the orders of the S.D.O. He ordered that the Mujavirship of the Makkan should by right go to Khutbe Alam Sha's (the last Makkandar) son's son, (the respondent) in entirety and that the Devadaya Inam lands endowed to the Institution should also be enjoyed by him alone after making due provision for the upkeep and maintenance of the Makkan.

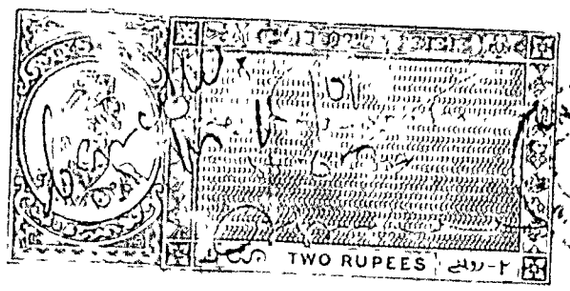
This order of the Deputy Commissioner was appealed against in the Court of the Muzrai Commissioner by Syed Sha Mohadeen Khadri, (the Counter-petitioner, in the case before the Deputy Commissioner and the appellant before Government in the present case.) The Muzrai Commissioner agreed with the decision of the Deputy Commissioner

Baravardar) looked after the Wakkan and the properties presumably on behalf of the real claimant. Although this state of affairs continued even after Kayasuddin's death and Khatumbi was in enjoyment of half of the properties, this cannot be deemed to give any claim to Khatumbi to form a fresh stock of descendants or to take away the office or the properties of the Wakkan. In this view it is submitted that the orders of the lower court do not call for interference".

"Note by the General Secretary"

"I agree with the above view. The appeal may be posted and heard."

31/12/



Muz 388-38-1

BEFORE THE HONOURABLE GOVERNMENT OF MYSORE,

B A N G A L O R E.

Muz. Appeal No. 16 of 38-39.

APPELLANT:- Syed Sha Moniuddin ~~Sha~~, Khadri,
s/o Syed Abdul Lateef, Sha Khadri,
Maralawadi, Kankanhalli.

-Vs-

RESPONDENT:- Khutbe Alam Sha Khadri,
s/o Mahamad Sha Khadri,
Maralawadi, Kankanhalli.

S U B J E C T.

Re: The Right of Management of the
Makhan at Maralawadi, Kankanhalli.

~***

The appellant abovenamed begs to prefer this appeal from the order of the Learned Muzrai Commissioner, Bangalore in Muzrai Appeal No. 38 of 37-38 on the file of his Court, rejecting - the appeal and confirming the order of the Learned Deputy Commissioner, Bangalore in Muz Case No. C.S.- 1171/35-36 directing the respondent to be the sole Muthavalli of Maralawadi Makhan and that

and that he should enjoy the Inam lands, etc. on the following among other grounds:-

Facts of the case:-

1. The right to manage the Hajarath Gayasuddin Sha Khadri Makhan at Maralawadi village Kankanhalli Taluk, originally vested in one late Gayasuddin and from him the right devolved on Syed Gayasuddeen Sha Khadri, his grand-son. The original hukdar late Gayasudden had two wives. The appellant is the descendant through the 1st wife and the respondent through the second wife. The Geneological tree, herewith appended, will disclose the relationship of the parties.

2. The right of Management of the Makhan has however been devolving and being enjoyed by the descendants of late Gayasuddeen through his first wife. The last male holder of the Office in this line, late Gayasuddeen Sha Khadri having had no male issues, he married his daughter Mahammed Unnisa, to Syed Abdul - Latiff, who was his sister's son, and retained him in his house to assist him in the management of the Makhan and after the death of the said Gayasuddeen Sha Khadri, his wife Khatumbi who succeeded to the office, through a Registered Will executed on 12-3-1913 entrusted the management of the Makhan to her son-in-law the said Syed Abdul Lateeff. Since then the said person Syed Abdul Lateef and after him, his son the

his son the present appellant have been attending to and carrying on the religious functions of the Makhan quite to the satisfaction of the Government and the devotees.

3. But the Inam lands, attached to the Mkhan have been in possession and enjoyment of both the appellant's family members and the members of the respondent's family, in equal shares, in accordance with and in perstance of the terms of will executed by Khatumbee. The members of the respondent's family have never before attended to the religious functions of the Makhan. The appellant's father, Syed Sha Mohammed Abdul Latiff, became the Manager of the Makhan in the year 1913 and since then the said Abdul Latiff and after him the present appellant have been managing the Makhan affairs for over 20 years. The respondent also has approved and acquiesced of the same and he has not taken any objection. In the year 1919 - 1920 the question of Muthuvalliship of this Makhan having come into consideration, the Learned Sub-Division Officer, Closepet, was pleased to pass an order, in No. A.C. 748 of 19-20 dated 3-3-1926 directing that both the appellant and respondents family members should carry on the services in the Makhan by rotation of one year each. No appeal was preferred by the respondent as against this order and ever since the said order was passed, the appellant himself has been carrying the functions of the Makhan but the Inam lands are how-

however being enjoyed by both the families in equal shares as before.

4. Now after the lapse of several years, the respondent, having petitioned to the Sub-Division Officer, for appointing him as the sole Manager of the Makhan, on the ground, he is the sole Hukdar, the Learned Subdivision - Officer, dismissed the petition and on appeal preferred by him the Learned Deputy Commissioner has passed an order in Muz Case No. C.3.-1171/35-36 appointing the respondent as the Sole Manager. Whereon, the appellant preferred an appeal before the Learned Muzrai Commissioner in Muz-Appeal No. 38 of 37-38 and the said appeal also was dismissed. Hence this appeal.

G R O U N D S.-

1. The dispute regarding the Management had been finally decided once by the Learned Sub-Division Officer, in his order A.C. 748/19-20 dated 3-3-1926. Since no appeal was preferred by the ~~a~~ respondent, as against that order, the said order is final and the respondent is bound by the same in law. The - Lower Courts erred in reopenning the same question again and passing the orders now under appeal.

2. The appellant and prior to him his father have been enjoying the Right of Management for over 20 years exclusively and adversely to the respondent. The respondent's claim is

is barred by limitation. The lower courts have failed to bestow their considerations to this point.

3. The will executed by Khatumbi is a family arrangement between the parties, for the conduct of the management of the Makhan itself. The Will itself has been operated upon between the parties and the respondent himself has - countenanced and actively accepted the terms of the same. Now the Lower Court erred in allowing the respondent, to set up a paramount title to the entire huk to the detriment and prejudice of the appellant.

4. The Learned Muzrai Commissioner while holding that a woman can be a Muthavalli of a Makhan, erred in holding that Khatumbi, is not a legal heir to the Office. The last Barawardar was Gayasuddin Sha Khadri and Khutbe Alam Sha was never, a manager of the Makhan. T h e Learned Muzrai Commissioner's observation that Khatumbi was not a successor to Khutbe Alam is erroneous.

5. The appellant, himself is the grand-son (Dohitra) ~~to the~~ i.e., daughter's son to the last Barwardar, and his father himself was the grand-son of the last Barawardar's father. The appellant is however, the nearest heir to the last Barawardar. The courts below have failed to consider the rights of the appellant in this perspective.

6. By the Will executed by Khatumbe, the

the Right of Management of the Makhan was duly, and legally vested in appellant's father and after him the right has duly devolved upon the appellant. The appellant submits the right once vested cannot be divested.

7. The devotees of the Makhan have no any kind of complaints against the appellant The appellant is well qualified to look after the management and to attend the religious functions. The respondent is not at all qualified. The devotees of the Makhan also have no any - kind of complaints against the appellant.

8. The Lower courts orders are unjust, inequitable and otherwise not maintainable in law.

W h e r e f o r e, the appellant prays that this Honourable court may kindly be pleased, to pass an order (1) cancelling the orders of the Learned Muzrai Commissioner and the Learned Deputy Commissioner appointing the respondent as the sole, manager of the Maralawadi Makhan and restoring the order of the learned Sub-Division Officer appointing the appellant to carry on the services of the Makhan as before; (2) - Granting a stay order from executing the order of the Lower courts, pending disposal of this appeal.

Bangalore,
12/6/1939.

15

Advocate for appellant.

Geneological Tree.

W - Gayasuddeen -

Murthuja Sha Khadri	Mohiddeen Sha Khadri
Syed Mohideen Sha Khadri	Khutbe Alam Sha Khadri
	Mohamen Sha Khadri,
	Khutbe Alam Sha Khadri, (Opponent)

Sultanisa alias Bijambi — Syed Gayasuddeen - Khatumbi (last Barawardar)

Syed Sha Mohammed - Mohammed Unnisa

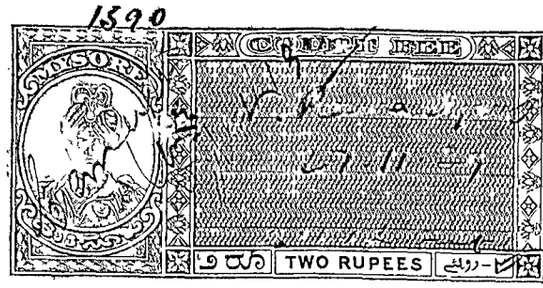
Abdul Latif Khadri

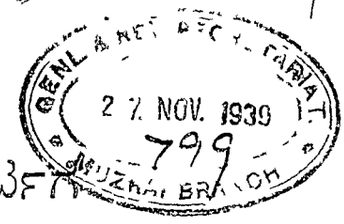
Syed Sha Mohideen Sha Khadri
(Appellant)

Bangalore,
12/6/1939.

Advocate for appellant

1590





ಮೈಸೂರ ಸರ್ಕಾರದ ಕೋರ್ಟಿಗೆ

Before the Government
of His Highness the Maharajah of Mysore
Bangalore

1938—1939 ನೇ ಸಾಲಿನ ನಂಬರು.
appeal 18.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್.
Syed Ha Mohiudin Khadri	V.S.	Syed Kuntbe Alam sha Khadri

ಮು॥ ರಾ॥ ... V. Rama Iyengar ಗೆ.
advocate Bangalore City

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವರವಾಗಿ ಆಫೀರುನರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುವಕ್ಕೂ, ನನ್ನ ವರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ. ಜಾರಿ ಕ್ರಮ ನಡಿಸಿ ಹಣ ಸಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಸಿಲ್ಕು ಮೊಬಲಗು ಸದ ಪಡಿಯಲಿಕ್ಕೂ. ದಸ್ತ್ಯೆವಜು ವಗ್ಯರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರಕೊಟ್ಟಿಪ್ಪೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನೇ ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಒದ್ದವಾಗಿರುತ್ತೇನೆ.

ಸಾಕ್ಷಿಗಳು (Syed Kuntbe Alam Sha Khadri

ತಾರೀಖು 27.11.39 } ರುಜು

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ. }

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಪ್ಪನ

V Rama Iyengar
advocate

27.11.39

ಸಿಕ್ಕುವಸ್ಥಳ.- ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ, ವಿದ್ಯಾಸಾಗರ ಬುಕ್ಕು ಡಿಪೋ, ಬಿ. ನರಸಿಂಹೈಯಂಗಾರ್ಯರವರಲ್ಲಿ ಸಿಕ್ಕುತ್ತೆ

Received
6-12-76
Rs. 11 Eleven only
Court fee stamps affixed
and cancelled

Settled
27-2-77

Affixed eight annas Court
fee stamp one only-

Received Rs. 11 Eleven only
Court fee stamps affixed
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27-2-77

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9-12-76

"Copy"

Inam Supperintendent-Office

Bangalore by 10th March 16

Superintendent of Inam

Settlements in Mysore.

[illegible] [illegible] 25/4/76

೧೦	೧೧	೧೨	೧೩
[illegible]	[illegible]	[illegible]	[illegible]

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అయిన వీరిలో కొందరు ఇక్కడే ఉండిపోయారు. మరి కొందరు ఇక్కడ నుండి వెళ్లి వివిధ ప్రాంతాలలో స్థిరపడ్డారు. వీరిలో ఇక్కడ ఉండిపోయిన వారు ఇక్కడ ఉన్న ఆదిమ నివాసులతో కలిసిపోయి వారి ఆచార వ్యవహారాలను అలవరచుకొని వారి సంస్కృతిలో భాగమయ్యారు. ఇక్కడ నుండి వెళ్లిన వారు వివిధ ప్రాంతాలలో స్థిరపడి అక్కడి ప్రజల

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ఆ తరువాత ఆమె ఇంటికి వెళ్ళి ఆమెతో మాట్లాడి ఆమె ఇష్టపడితే ఆమెను పెళ్ళి చేసుకోవాలని నిర్ణయించుకున్నాడు.

ఆ రోజు సాయంత్రం ఆమె ఇంటికి వెళ్ళి ఆమెతో మాట్లాడాడు. ఆమె కూడా అతడిని ఇష్టపడుతున్నట్లు చెప్పింది. ఆమె తల్లిదండ్రులతో మాట్లాడి వారి అనుమతి తీసుకోవాలని అతడు ఆమెతో చెప్పాడు. ఆమె అందుకు అంగీకరించింది. అతడు ఆమె ఇంటి నుండి బయలుదేరి తన ఇంటికి వచ్చాడు.

ఆ రాత్రి అతడు ఆమె గురించే ఆలోచిస్తూ ఉండిపోయాడు. ఆమెను పెళ్ళి చేసుకుంటే తన జీవితం ఎంతో ఆనందంగా ఉంటుందని అతడు భావించాడు. ఆమె తల్లిదండ్రులు కూడా ఈ పెళ్ళికి అంగీకరిస్తారని అతడు ఆశించాడు. ఆ రాత్రి అతడు ఆమె గురించి ఎన్నో కలలు కన్నాడు.

మరుసటి రోజు ఉదయం అతడు ఆమె ఇంటికి వెళ్ళి ఆమె తల్లిదండ్రులతో మాట్లాడాడు. వారు కూడా ఈ పెళ్ళికి అంగీకరించారు. అతడు ఆమెను పెళ్ళి చేసుకోవడానికి ఎంతో సంతోషించాడు. ఆ రోజు సాయంత్రం అతడు ఆమెతో కలిసి బయటకు వెళ్ళాడు. వారిద్దరూ ఒకరినొకరు అర్థం చేసుకోవడానికి ప్రయత్నించారు. వారి మధ్య ప్రేమ మరింత పెరిగింది.

ఆ తరువాత అతడు ఆమెను తరచూ కలుసుకోవడం ప్రారంభించాడు. వారిద్దరూ ఒకరినొకరు ఎంతో ఇష్టపడ్డారు. వారి ప్రేమ రోజురోజుకూ బలపడింది. అతడు ఆమెను పెళ్ళి చేసుకోవడానికి ఎంతో ఆతృతగా ఎదురుచూస్తున్నాడు. ఆమె కూడా అతడిని పెళ్ళి చేసుకోవడానికి ఎంతో ఆసక్తిగా ఉంది.

ఒక రోజు అతడు ఆమెతో కలిసి ఒక పార్కుకు వెళ్ళాడు. అక్కడ వారిద్దరూ ఒకరినొకరు ముద్దు పెట్టుకున్నారు. ఆ ముద్దు వారి ప్రేమకు చిహ్నంగా నిలిచింది. ఆ ముద్దు తరువాత వారిద్దరూ ఒకరినొకరు వదిలి ఉండలేమని నిర్ణయించుకున్నారు. వారిద్దరూ ఒకరినొకరు ఎంతో ప్రేమించుకున్నారు.

ఆ తరువాత అతడు ఆమెను పెళ్ళి చేసుకోవడానికి ఒక మంచి రోజును నిర్ణయించాడు. ఆ రోజు వారిద్దరూ పెళ్ళి చేసుకున్నారు. వారి పెళ్ళి ఎంతో వైభవంగా జరిగింది. వారిద్దరూ ఒకరినొకరు ఎంతో ప్రేమించుకున్నారు. వారి జీవితం ఎంతో ఆనందంగా సాగింది.

వారిద్దరూ ఒకరినొకరు ఎంతో ప్రేమించుకున్నారు. వారి ప్రేమ ఎంతో గొప్పది. వారి ప్రేమ ఎంతో మందికి ఆదర్శంగా నిలిచింది. వారిద్దరూ ఒకరినొకరు ఎంతో ప్రేమించుకున్నారు. వారి ప్రేమ ఎంతో మందికి ఆదర్శంగా నిలిచింది.

Sub registrar's diary
1912-1913.

True Copy

Sd/-

೨ TWO RUPEES ಟೂ-೨

Before the Govt of Mysore ಕೋರ್ಟಿಗೆ
Bangalore.

1938 - 1939 ನೇ ಸಾಲಿನ Appl. ನಂಬರು

Appellant ವಾದಿಯಾ ಅರ್ಜಿದಾರ್		Respondent ಪ್ರತಿವಾದಿಯಾ ಅಪೋನೆಂಟ್
Syed Shah Mohideen Khadri	Vs.	Kutbe Alam Shah Khadri.

ಮಾ| ಬಾ| _____ ಯವರಿಗೆ

Appellant ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವಠವಾಗಿ ಆಖೈರುವರವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿನಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರ್‌ನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗೂ ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವೇಜು, ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ನಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆಲ್ಲದೆ ತಾವಾಗಲೀ ಯಾ ತವ.ಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾರೀಖು 15/6/1939. ರುಜು

(Syed Mahomad Mohideen Khadri)

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ

Advocate for Appellant
15/6/39

ಸಿಕ್ಕುವ ಸ್ಥಳ—ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ " ವಿದ್ಯಾವಿಲಾಸ ಬುಕ್ ಡಿಪೊ "

ಶ್ರೀದೇವಿ ಪವರ್ ಪ್ರೆಸ್, ಬಿ. ಸಿಟಿ—1938.

TWELVE ANNAS FOUR ANNAS

In the Court of the Muzrai Commissioner in Mysore, Bangalore.

App. No. 38/37-38.

Appellant.	Vs.	Respondent.
Syed Sha Mohideen Khadri, S/o Syed Abdul Lateef Sha Khadri, Maralvadi, Kankanhalli Taluk.		Khutbe Alam Sha Khadri, S/o Meneim Sha Khadri, Maralvadi, Kankanhalli Taluk.

Subject.

Appeal against the Order of the Deputy Commissioner, Bangalore District, in Muz. Case No. C.3.– 1171/35-36, directing that the Respondent should be the Bole Mutthavalli of Masalvadi Makkan, and that ~~the~~ he should enjoy the inam lands and look to the up-keep of the Institution.

Facts of the Case.

One Kutbe Alam was the original makkandar of Maralvadi Makkan. At the time of the death of the Makkandar, his Son, Meneim Sha Khadri, Respondents father, was a minor and hence, his Sister's husband, Gayasudin Sha Khadri, (the mateual grand-father of the Appellant) was looking after the duties of the Makkandar, and managing its affairs, and subsequently, both the Son and the Son-in-law of the original Makkandar were managing the Institution jointly, enjoying the inam lands; and the title deed was also issued in their names jointly.

Gayasudin Sha Khadri died, leaving no male issue and his widow, Kalatumbi, (daughter of the original Makkandar) who is stated

who is stated to have enjoyed half the inam lands attached to the Institution, willed away the same and also her interest in the Makkan, in favour of her daughter's son, the Appellant, who was also ordered to be re-gistered as a Mazavir in place of Kahatumbi, by the Sub-Division officer, Elesepet Sub-Division. The Respondent appealed to the Deputy Commissioner, against the order of the Sub-Division officer, Con-tending against the rights of the Appellant, to hold the post as also the inam lands attached to it.

The Deputy Commissioner has held that the Muzavirship of the Makkan should, by right, go to the Respondent, Khutbe Alam Sha Khadri's son's son; that the lands being Devadaya inam lands attached to the Makkan for up-keep and Service, should also go to the Muzavir or Muthavalli; that a woman cannot become a Muthavalli under the Muslim Law; that much less can she give that right to another and that she is certainly not entitled to either the lands attached to the Makkan or to Muthavallishipp, as the lands do not form the personal property of the last barawardar-Muthavalli. He, therefore, directed that the Appellant should be the Sole Muthavalli hence-forward and should enjoy the inam lands there of looking after the up-keep of the Institution.

The present appeal is against the above order.

The appeal came on for hearing on 4-4-1939,

when the

when the Appellant by Mr. C.V. Narasimhaengar and the Respondent by Mr. N. Rama Iyengar, Advocates were present and heard.

Order. Appl 38/37-38 Date. 15-4-1939. 3-5-1939

It is not correct to say that a woman cannot be a Muthavalli under the Muslim Law. She can be a Muthavalli; but she cannot be a Muzavir. The duty of Muzavir is to lead the urus, read the Fateha, and burn the incense of the tomb. The maternal grandmother of the Appellant, Kahatunnisa, therefore, could not be considered as the successor to Khutbe Alam, the maternal grandfather of the Respondent.

The order of the Deputy Commissioner is, I think, correct; and I decline to interfere.

Sd/- S. Abdul Wajid,
Muzrai Commissioner.

Copy applied for by Syed Sha Mahomed Muhodeen Khadri on 8-5-39
" ready on 11-5-39
" delivered on 12-5-39
No. of words 520
Copying fees 0-12-0
Comparing - 0-3-0
Total 0-15-0
Copied by M. Ramaswamy
Compared by S. Jagannadha Rao
" Copy "
for Manager
Muz. Comm's Office

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 4th July 1969.

No. 13.

Jamy 388-38-2

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

In forwarding herewith an appeal petition dated 15th June 1939, together with its enclosures from Mr.Syed Sha Mohideen Shadri of Maralawadi - Kankanhalli, appealing against your orders in Muzrai appeal No.38/37-38 about the management of the Makan at Maralawadi, I am directed to request that the entire records connected with the case including the records of your office on the subject may be kindly sent together with a report on the points alleged in the petition.

* Taluk Office Records.
Sub Division Office Records.
Deputy Commissioner's Office Records.
(Bangalore District).

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

ACH.3.

x F G—1]

SUBJECT.....

.....

.....

3 Cases

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 6-7-39

Signed by .....

Taluk office records
S. D. O. "
D. C. Bangalore

List of enclosures.....

Copied by.....

Examined by.....

Section Rule 3

File No. 38-38

Serial No.

No. 13 / Exn 3 Petns Etc.

To

The H.C. / Exn 2

Sir,

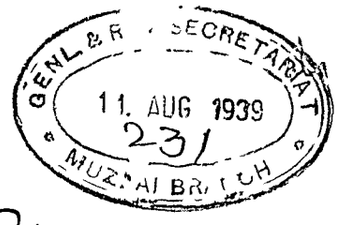
In forwarding herewith an appeal petn dt 15/6/1939 together with its enclosures. from Mr Syed Shah Mohideen Shah Miraldwadi of Malavadi - Kankanhalli Appealing against the order in Misc appl no 38/37-38 about the management of the Miraldwadi Makkan at Malavadi, I am directed to request you to forward the entire records connected with the case together with the records on your office in the matter.

I have, etc

WD 027B—GRB—30,000—4-3-38

ordered in A887 See / Issue "

GJ 3/7



TWO RUPEES

388-38.5

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE.

Muzrai Appeal No. 18/38-39.

Appellant:- Syed Shah Mohammed Mohideen Khadri

-Vs-

Respondent:- Khutha Alam Sha Khadri

Stay application.

The appellant abovenamed begs to state as follows:-

1. The appellant has preferred the above appeal against the order passed by the Learned Muzrai Commissioner, Bangalore in Muz. A. No. 38 of 37-38 confirming the order of the Learned - Deputy Commissioner, in Muz O.S. 1171 of 35- 36 directing the respondent to be the sole Muthuvalli of Maralawadi Makkan, in the place of the appellant.

2. That owing to the disputes between the appellant and the respondent relating to their respective rights to perform the services of Muzwar of the Maralawadi Makkan and the sharing of the remuneration, the matter is now in appeal in this Hon'ble court.

3. That the disputes are now nearly six years old and since then the amounts receivable by the Muzawar and the gutta amounts due and - collected for the Makkan have remained in deposit in tact.

4. That now that the respondent has obtained orders in his favour in the lower appellate court as opposed to the orders passed in my favour by the Sub Division Officer,. the respondent has been

trying to draw the moniesand I am reliably informed that the Amildar of Kankanhalli is also agreeable to disburse the payment to the respondent.

5. That I have a good case to urge in this appeal and in the event my rights as Muzavar are established in this appeal, I shall have no chance of obtaining restitution from the respondent if he is now allowed to draw the money which is in deposit.

6. That it will be just and equitable if the status quo is maintained until the disposal of this appeal as the amount involved is a very substantial amount of about Rs.1,800/-.

7. That according to my case, I am rightly entitled for a moiety of the amount now - available in deposit and the respondent has no manner of right to obtain the whole amount. That it is, therefore, just and expedient that the amount is retained in deposit by the Amildar, Kankanahalli pending disposal of this appeal.

W h e r e f o r e, the appellant prays that this Hon'ble court may kindly be pleased to pass an order staying the execution of the orders of Lower Courts and the payment of the Makhan amount now held in deposit in Government, pending disposal of this appeal.

Bangalore,
8/8/1939.

Appellant.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 17th August 1939.

Dated, Bangalore, 17-8-1939

No. 324

ಪತ್ರಾಂಕ 344-39-6

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To The Muzrai Commissioner in Mysore,

Bangalore.

Sir, In continuation of this office letter No.13 dated 4th July 1939 and Memo No.23 dated 6th July 1939 in the matter of the appeal launched before Government by one Syed Sha Mohamed Mohideen Khauri about the Management of the Makkan at Marlawadi, Kankanhally Taluk, I am directed to request you to be so good as to hold in abeyance the orders passed by you in Muzrai Appeal No.38/37-38 dated 3rd May 1939 pending disposal of the appeal before Government.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

Aga/2.

F G—4]

JECT .....

.....

.....

Section Mem

File No. 388-38

Serial No. 9

Diary No. of letter replied to 251 No 328

To

The M.C

General and Revenue Secretariat

( )

the *193*

Sir,

In continuation of this letter no 13 of 4/7/39 & memo no 23 of 6/7/39 in the matter of the appeal launched before Govt by one Syed Tha Md Mahideen Khadri about the management of the Mekkan — Ch — Mariamdi Kankanallee TK, I now forward herewith the petition dated 10/7/39 received from the appellant in this connection, for disposal.

Date of issue 17-8-39

Signed by [illegible]

List of enclosures .....

Copied by .....

Examined by .....

Enclosed please find the petition dated 10/7/39 received from the appellant in this connection, for disposal.

Enclosed please find the petition dated 10/7/39 received from the appellant in this connection, for disposal.

WD 71—GPBM—40,000—20-7-31

Enclosed please find the petition dated 10/7/39 received from the appellant in this connection, for disposal.

Enclosed please find the petition dated 10/7/39 received from the appellant in this connection, for disposal.

Mr Syed Sha Md. Mohideen Khadri
C/o
V. R. Vasudeva Sastri Esq BA. LLB.
Advocate Bangalore. city

Re

In regd to his pet dt 9/8/35,
Mr Syed Sha Md Mohideen Khadri
of Mariawadi Kankanhalli Tk
is informed that his request for
holding the mics ords in abeyance
pending disposal of the special appeal about
the management by the Muthawalis of properties of Mariawadi
referred by him before Govt is
granted.

B.O

Mr 17/8

Forlm Se.

Dis. No. 329

GENERAL AND REVENUE SECRETARIAT,

Rev 388.38-6

Bangalore, Dated, 17th August 1939.

ENDORSEMENT.

To

Mr. Syed Sha Mohammed Mohideen Khadri,
C/O. V.R.Vasudeva Sastri & B.A., LL.B.,
Advocate, Bangalore City.

With reference to his petition dated 9th August 1939 Mr. Syed Sha Mohammed Mohideen Khadri of Marlawadi Kankanhalli Taluk is informed that the Mamlatdar has been requested to hold in abeyance the orders appealed against.

By Order,

for General Secretary to Government.

Aga/2.

A copy of the order
by the Close Pet Sub-Division
officer. The same may
kindly be taken to the
appeal file.

Bangalore
19/8/39

Advocate for
appellant

2/10/39

Mr Syed Sha Md. Mohideen Qhadri
C/o
V. R. Vasudeeva Sastri Esq BA - LLB.
Advocate Bangalore. city

In the reply to this Pet dy 9/8/39,
Mr Syed Sha Md Mohideen Qhadri
of Marlawadi Mankamballi TK
is informed that his request for
holding the mtg ords in abeyance
pending disposal of the appeal about
the Management of the Makkam Lds properties at Marlawadi
referred by him before Govt is
rejected

Mr M. C. Lachu
requested to
hold in abeyance
the order
order above
referred

B. O

Dy 17/8

For Dy Sec.

ENDORSEMENT.

Mr. Syed Sha Mohammed Mohideen Khadri,
C/O. V.R.Vasudeva Sastri&B.A., LL.B.,
Advocate, Bangalore City.

With reference to his petition dated 8th August 1939 Mr. Syed Sha Mohammed Mohideen Khadri of Marlawadi Kankanhalli Taluk is informed that the Muzrai Commissioner has been requested to hold in abeyance the orders appealed against.

By Order.

for General Secretary to Government.

Aga/2.

Bangalore, 22nd September *1939.*

S. ABDUL WAJID, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL. & REVENUE 28. SEP. 1939 470 MUZRAI BRANCH

J. Appaji Gowda, Esq., B.A.(Hon.),
Secretary to Government of His Highness the Maharaja of Mysore,
General *Department,*

GENERAL SECRETARIAT 25 SEP. 1939

SIR,

Appeal of Mr. Syed Sha Mohideen Bhaari of Maralwadi, Bankanhalli Taluk, about the Muthuvalliship of the Makkan at the place.

With reference to correspondence ending with your lette No.328/Muz.388-38-4 dated 17-8-1939 re. the above, I have th honor to forward herewith the entire records connected with the case, received from the Deputy Commissioner, Bangalore District, together with this office file No. Upp.38/37-38, an to state that the facts of the case are fully set forth in th preamble to this Office Order No. Upp.38/37-38 dated 3rd May and also the Deputy Commissioner's Order No. 38-1171/36-36

dated 11th May 1938 contained in the files encl herewith.

The Appeal petition etc., received with your letter No.13/Muz.388-38-2 dated 4-7-39 are also herewith returned.

I have the honor to be,

Sir,

Your most obedient servant

M. N. Brahmbhatt

Assistant Commissioner,
for Muzrai Commissioner
(Absent from Head Quarters)

2/10/17.
495

Before the Government
of Mysore, Bangalore

Misc. appl. 9 of 39

Appellant:- ~~Kuthbe~~ Syed Sha
Mohidin Khadri
-V-
Respondent:- Kuthbe Alam
Sha Khadri

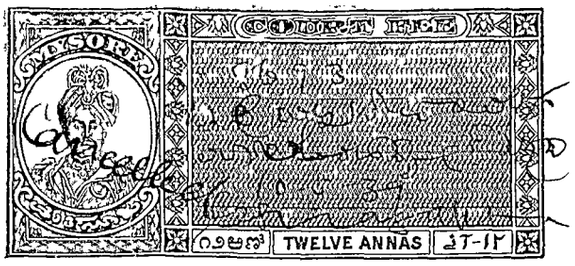
Memo

Herewith filed
a copy of the order passed
by the Assistant Sub-Division
officer. The same may
kindly be taken to the
appeal file

Bangalore
19/39

Advocate for
appellant

2/11/39



Copy application of Syed Sha Mahamed Mohadeen Sha Khadri, Mavalawadi village, Kankanhally taluk praying for the grant of a copy of the order passed by the Sub Division Officer, Closepet Sub division in No. AC. 748/19-20 dated 3.3.26.

ಕಂನಕಂನ ಮಳ್ಳಿ ಕಮಲ್ಲಾರವ ರಜH-C.186/25-26 dated 10.10.25 ನೇ ನಂಬರ್ ಅಪ್ಲೀಕೇಶನ್ ಸಲಕ್ಕೆ.

AC. 748/19-20 ಕಳುಪ್ಪಲಾಗಿದೆ.
One file.

ಕಂಪಂಪ ಮೊಬಲಗು ಬಳಿ ಯಾಂಶಿ ಸಂಪಾದಿಸಲಾಗಿದೆ
ಜ್ಞಿ ಲಬಳ ಬಂ ಟಂಕ ಅಬವಂಶಗಂ ಕಿಲು ಮಳ
ಕೆ ಕೆಂಪ ಡಿ. ಆ ಅಂ ಕಿ ಬಂಪು ಕಿಂಪ ಕೆಂಪ ಸಾಂ ಗಿ
ಕಂಪಕಿ ಬಂ ಲ್ಲ ಮಂ ಚಿಲ್ ಅ ಮ್ಮೆ ಂ ಮೆಂಪ ಸಾಂ
ಗಿ ಮೊಬಲಗು ಕೆಂಪ ಪಕ್ಷ ಂ ಅಬನಾಂ ಕಿ
ಚ ಚಿಂ ನು ಸಕ ನ್ನ ನಂಬ ರು ಎಂ ಕಿಂ ಗಿ ಎಮೇ ಲ್
ಸಾಂ ಬು ಸಲ ಕಿ ಸ್ಥಿ ಪ ಕಾಂ ಜು ಮಂ ಪ್ಪಿಂ ಮೆಂಪ ಸ್ಥಿಲ

ఆసాధ్యమైన 15 రోజుల కాలపరిమితిని విధించడమైనది.

2. ముస్లిం మతము చూచి వరదపీడిత ప్రజలకు సహాయము చేయుటకు స్థానమే అడ్డంకులు మున్నగు మున్న మేము కూడ ఇట్టి మాట్లాడి యున్నమేము రుజువు కాదు.

Sd. J. Govinda Rao.

Comp. Kankanalley.
Dt. 3.3.26.

Sub division officer,
Closepet Sub Div.

Copy applied by Syed Sha Mahamad Mohadeen Sha Khadri
" " on 10.5.39
" ready on 22.7.39
" delivered on
No. of words. 66 words.
Copied by Somanna.
Compared by V. Venkata Rao
Copying fees 0-2-0
Comparing fees. 0-0-6.

"Copy"
B.O.
Dy. Shanmadas
22/7/39
Head Clerk.
Sub division Office.
Closepet.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Muz. Appeal No. 18 of 1938-39.

APPELLANT.	VS	RESPONDENT.
Syed Sha Mohideen Khadri, s/o Syed Abaul Lateef Sha Khadri, Maralavadi, Kankanhalli.		Khutbe Alam Sha Khadri, s/o Mohamed Sha Khadri, Maralavadi, Kankanhalli.

S U B J E C T.

Appeal against the orders of the Muzrai Commissioner dated 3rd May 1939 in Muzrai Appeal 18 of 1937-38 upholding the order of the Deputy Commissioner, Bangalore District in the matter of the management of the Mohadeen Momin Sha Khadri and Gayasuddin Sha Khadri Makhan at Maralavadi, Kankanhalli Taluk. The facts of the case are explained in the orders of the lower courts.

The appeal was heard on 6th January 1940 when both parties with their counsels were present and were heard.

ORDER NO. 1621 / Revenue 388-38-7

Dated, Bangalore 3rd February 1940.

The order of the Muzrai Commissioner is quite correct. The lands in question are Devadaya Inams over which private rights cannot be set up or recognised. The order passed by the Sub Division Officer, Closepet in 1926 was clearly illegal and it cannot create any rights to the lands for the appellant.

The appeal is dismissed.

for General Secretary to Government.

To

The Muzrai Commissioner in Mysore returning records connected with the case.

1622-3

3 Copies Mr. V. R. Vasudeva Sastry, Bangalore,

Copy to Mr. N. Rama Iyengar, B'lore.

Als.5

Rev. 21]

Before the Government of His Highness the Maharaja of Mysore.

Mys Appeal No. 18 of 38-39

Appellant. Vs Respondent

Syed Sha Mohideen Khadri,
Syed Abdul Lateef Sha Khadri S/o
Haralahalli. Kankanhalli.

Khuddus Sharif Sha Khadri,
Mahamed Sha Khadri S/o
Haralahalli. Kankanhalli

Subject.

~~Petition~~ Appeal against the order of the Mysore Commissioner of 31/5/39 in Mys. Appeal 38 of 37-38 upholding the order of the D.C Bangalore in the matter of the management of the Mohideen Momin Sha Khadri Dargah at Haralahalli, Kankanhalli Tq

The facts of the case are explained in the orders of the lower Courts.

The appeal was heard on 6/1/40 when both parties with their Counsels were present + ~~the arguments of Counsels on both sides~~ were heard.

Order 1621 & Rules 3-2-1940
Mys 388, 389.

The order of the Mys Commr. is quite correct. The lands in question are Devadaya &

WD 0583—GPB—750—21-7-37

S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

are which private rights can not be set up or recognised. The order by the S. D. O. dated in 1926 was clearly illegal & it can not create any rights to the lands for the appellants.

The appeal is dis

for Gen. Secy

3/11/40

To

The Asst. Commr
Kolar Camp

Memo No. 1622
3-2-40

Copy to Mr. V. K Vasudeva BA
Advocate, Bangalore, Counsel
for the appellants, for information.

B. G.

for Secy.

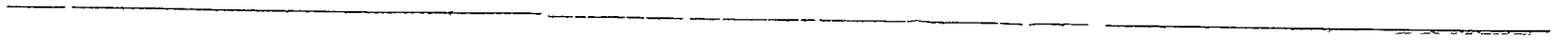
Memo No 1623
3-2-40

Copy to Mr. N. Rama Iyengar, BA, LL.B
Advocate, Bangalore, Counsel
for the Respondents, for information

B. G.

for Gen. Secy

WD 0436—GPB—10 000—17 10 38



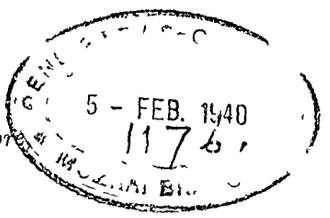
No. C. 31/39-40.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, ...2nd February..... 1940.

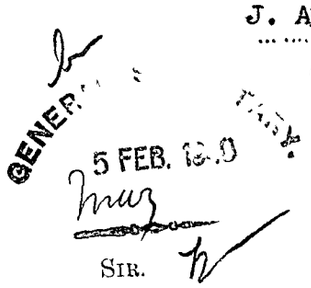
FROM

RUKN-UL-MULK
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysore.



To

J. Appaji Gowda, Esq., B.A.(Hon.),
Secretary to the Government of His Highness
the Maharaja of Mysore.
.....General..... *Department.*



SIR.

Appeal of Syed Mohadeen Khadri of Maralavadi, re. management of the Makkan at Maralavadi.

In continuation of this office letter No.C.31/39-40 dated 22-9-1939, submitting to Government the records connected with the case noted above, I have the honor to forward herewith a copy of letter No.C3-238/39-40 dated 25-1-1940 received from the Deputy Commissioner, Bangalore District, enclosing the report of the Amild Kankanhalli Taluk, on the petition of the villagers of Maralavadi, making certain allegations against the respondent, Khutbe Alam Sha Khadri, which was received with your Memo No.23/Muz.388-38-4 dated 6-7-1939.

The petition under reference is also enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

ec :- Pe on om e v agers o Maralawa re. cer a n allegations against Kutba Alam Sha Khadri in connection with the appeal about the Mutvalliship of the Makkan at the place, Kankanhalli Taluk.

With reference to the correspondence ending with your letter No.C.31/39-40 dated 8-11-1939 on the above subject, I have the honor to forward herewith the records received from the Sub Division Officer, Closepet, with his No.A3-128/38-39 dated 21-1-1940 and to state that the report of the Amildar answers the points urged in the petitionx under reference.

"Copy"

M. N. Ramachar.

For Muzrai Commissioner.

klu

1730 Ex Revds 10th February 1940.
Bang 388-38

The Muzrai Commissioner in Mysore,
Bangalore.

In returning herewith the records received with your letter No.C.31/39-40 dated 2nd February 1940, ~~on the subject~~ I am directed to invite your attention to Government Order No.1621/Muz.388-38-7 dated 3rd February 1940 disposing of the appeal regarding the management of the Makkan at Maralavadi.

I have the honour to be,
Sir,
Your most obedient servant

for General Secretary to Governme

Bo

Als.

T...

Section Hlg

File No. 288-3P

Serial No.

No. 1730/Gen Revs

Diary No. of letter replied to..

To

The Revs. Commr.

General and Revenue Secretariat

( )

the *193* .

Sir

In continuation of

Date of issue 10-2-40.

G.O. No. 1621/Hlg 388-3P-7 dt 31/2/40 re Hlg of the Nakkan al-Nakalavai Kankanhally Tq, I am directed to return herewith the report received with your letter No. C.31/89-40 dt 2/2/40 on the subject.

Signed by Sd. S.K.V.

I am directed to transmit herewith the G.O. No. 1621/Hlg 388-3P-7 dt 3.2.40 duplicate of the petition and the report of the Revenue Authorities on the petition.

List of enclosures....

S Lawyte.

Sec'y/

For Gen. Secy to Govt.

Copied by

8/2/40

Examined by